

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| Nicholas H. Neumann, M.D.,            | ) |                           |
|                                       | ) |                           |
| Plaintiff,                            | ) |                           |
|                                       | ) | <b>ORDER OF DISMISSAL</b> |
| vs.                                   | ) |                           |
|                                       | ) |                           |
| Provident Life and Accident Insurance | ) |                           |
| Company, d/b/a UNUM/Provident         | ) |                           |
| Corporation, a body corporate,        | ) |                           |
|                                       | ) | Case No. 1:03-cv-125      |
| Defendants.                           | ) |                           |

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Before the Court is a “Stipulation for Dismissal With Prejudice” filed on January 16, 2008. On April 5, 2005, the parties filed a “Stipulation for Stay of Proceedings” (Docket No. 18) pending plaintiff’s acceptance and participation in a reassessment program. That stipulation also provided that in the event plaintiff’s disability benefits which were the subject matter of this proceeding were reinstated, the above-entitled action would be dismissed with prejudice. The parties now stipulate that the benefits under the plaintiff’s policies of disability insurance have been reinstated and the above-entitled action can be dismissed.

The Court **ADOPTS** the stipulation in its entirety (Docket No. 20) and **ORDERS** that this action be dismissed with prejudice and without costs to either party.

**IT IS SO ORDERED.**

Dated this 17<sup>th</sup> day of January, 2008.

/s/ Daniel L. Hovland  
Daniel L. Hovland, Chief Judge  
United States District Court